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BETH READ  
PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
343 STATE STREET  
ROCHESTER, NY 14650-2201

EXAMINER

MORRISON, THOMAS A

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3653

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/790,564	<b>Applicant(s)</b> DOBRINDT, DIRK	
	<b>Examiner</b> Thomas A. Morrison	<b>Art Unit</b> 3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/01/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II, directed to Fig. 2 (i.e., claims 1-21) in the reply filed on 1/6/06 is acknowledged.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, (1) the two or more conveying components provided that are separated carefully from one another, as set forth in claim 20; and (2) the two conveying components located in mirror image, relative to a reflective plane that is perpendicular to the rotational axis, as set forth in claim 21, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: (1) there is insufficient antecedent basis for the at least one shifting component connected to the conveying component, for laterally shifting the sheet-shaped element in the area of the point of deposit to align it to be essentially parallel to the rotational axis of the conveying component, as set forth in claim 8; (2) there is insufficient antecedent basis for the contact area of the shifting component, vis-a-vis the sheet-shaped element, has a relatively higher frictional resistance than the contact area on the jaw-shaped receiver against which the shifting component presses, as set forth in claim 13; (3) there is insufficient antecedent basis for the two conveying components are located in mirror image, relative to a reflective plane that is perpendicular to the rotational axis, as set forth in claim 21.

The disclosure is objected to because of the following informalities: (1) the priority set forth on page 2 of the specification is incomplete. In particular, such priority does not set forth the application serial number and the date of each listed patent application. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear how many different sheet-shaped elements are claimed. In particular, this claim switches back and forth between “a sheet-shaped element” and “the sheet-shaped element”. It is unclear if a new sheet-shaped element is claimed each time or if the same sheet-shaped element is referred to throughout the claim.

Claim 2 recites the limitation “said conveying component's direction of rotation” in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation “said retaining component swivel arm” in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 3, it is unclear what is meant by “shaped **essentially** as an eccentric”, as claimed.

Claim 4 recites the limitation “the rotational axis of said conveying component” in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation “said conveying component's rotation” in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the other relative positions of rotation" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are (1) the structural relationship between the actuating component and the jaw-shaped receiver that allows the jaw-shaped receiver to open and close, as claimed.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are (1) the structural relationship between the actuating component and the conveying component that allows the claimed speed ratios to occur, as set forth in claims 6 and 7.

Regarding claim 8, it is unclear how the shifting component aligns the sheet, as claimed. Does the shifting component contact a side edge of the sheet-shaped element?

Claim 8 recites the limitation "the point of deposit" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the rotation axis" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are (1) the structural relationship between the shifting component and the conveying component that allows the claimed movement as a function of rotational position to occur.

Claim 9 recites the limitation "the rotational position" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said shifting component" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the area of the free end" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the contact area of said shifting component" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the contact area of said jaw-shaped receiver" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said conveying component disk" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the length" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the face" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 18, it is unclear how many sheet-shaped elements are claimed. Is the recited "a sheet-shaped element" the same or different from previously recited sheet-shaped elements in claim 1?

Claim 19 recites the limitation "the area of the depositing point" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 20, it is unclear what is meant by "separated carefully".

Claim 21 recites the limitation "the rotational axis" in line 3. There is insufficient antecedent basis for this limitation in the claim.

The instant application has numerous indefiniteness problems. The above indefiniteness problems are merely exemplary. Applicant should review claims 1-21 and make the language clear and consistent throughout such claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 12-13, 16-17 and 19-21, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,019,209 (Hara et al.).

Regarding claim 1, Figs. 1-14 show an apparatus for conveying an essentially, sheet-shaped element (P), particularly, for conveying a sheet of printing medium in a printing machine, comprising:



at least one rotating conveying component (including 11) that conveys a sheet-shaped element (P) from a pickup point (near 13) to a stacking point (near 24) where it stacks the sheet-shaped element (P);

at least one jaw-shaped receiver (14) for the purpose of holding and carrying along the sheet-shaped element (P) for introducing and inserting the leading edge area of a sheet-shaped element (P); the at least one jaw-shaped receiver (14) includes at least one fragmentarily present bending mandrel (e.g., Fig. 8) for bending a sheet-shaped element (P) around its rotational radius or radius of curvature while it is being conveyed; and

at least one retaining component (including 16) in the area of the jaw-shaped receiver (14).

Regarding claim 2, Figs. 1-14 show that the retaining component (including 16) is a swivel arm that rotates, along with the conveying component (including 11), and can be moved in a direction that is radial with respect to the conveying component's direction of rotation (see, e.g., Fig. 7).

Regarding claim 3, Figs. 1-14 show that the retaining component swivel arm (including 16) can be moved by an actuating component (23) that is shaped essentially as an eccentric.

Regarding claim 12, as best understood, Fig. 7 shows that the shifting component (15) is located in the area of the free end of the swivel arm (including 16).

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Element 15 shifts from one radial position to another radial position via movement of arm 16. Thus, element 15 can be considered a shifting component.

Regarding claim 13, Figs. 7 shows that the contact area of the shifting component (15), vis-a-vis the sheet-shaped element (P), has a relatively higher frictional resistance than the contact area on the jaw-shaped receiver (14) against which the shifting component (15) presses.

Regarding claim 16, Figs. 1-14 show that the at least one jaw-shaped receiver (14) is a slot or slit.

Regarding claim 17, Fig. 7 shows that the length of the slot (14) incorporates sufficient clearance for the leading edge of the sheet-shaped element (P) so that there is no danger that such leading edge will bump against the face of the slot (14).

Regarding claim 19, Figs. 1-14 show that in the area of the depositing point (near 24), an arresting bar (24a-24d) for the leading edge of a sheet-shaped element (P) that is inserted in the jaw-shaped receiver (14), the arresting bar (24a-24d) being stationary, vis-a-vis the conveying component (including 11).

Regarding claim 20, Figs. 2-3 show that two or more conveying components (including 11a, 11b and 11c) are provided that are separated carefully from one another.

Regarding claim 21, as best understood, Figs. 2-3 show that the two conveying components (including 11a, 11b and 11c) are located in mirror image, relative to a reflective plane that is perpendicular to the rotational axis (12).

6. Claims 1-6, 12 and 14-20, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,031,136 (Sewick).

Regarding claim 1, Figs. 1-5 show an apparatus for conveying an essentially, sheet-shaped element, particularly, for conveying a sheet (P) of printing medium in a printing machine (column 1, lines 1-5), comprising:

at least one rotating conveying component (2) that conveys a sheet-shaped element (P) from a pickup point (Fig. 1) to a stacking point (near C) where it stacks the sheet-shaped element (P);

at least one jaw-shaped receiver (between arms 23 and 23) for the purpose of holding and carrying along the sheet-shaped element (P) for introducing and inserting the leading edge area of a sheet-shaped element (23); the at least one jaw-shaped receiver (between arms 23 and 23) includes at least one fragmentarily present bending mandrel (Fig. 2) for bending a sheet-shaped element (P) around its rotational radius or radius of curvature while it is being conveyed; and

at least one retaining component (including 32) in the area of the jaw-shaped receiver (between arms 23 and 23).

Regarding claim 2, Figs. 1-5 show that the retaining component (including 32) is a swivel arm that rotates, along with the conveying component (2), and can be moved in a direction that is radial (Fig. 2) with respect to the conveying component's direction of rotation.

Regarding claim 3, Figs. 1-5 show that the retaining component swivel arm (including 32) can be moved by an actuating component (including 10, 36 and 37) that is shaped essentially as an eccentric.

Regarding claim 4, Figs. 1-5 show that the actuating component (including 10, 36 and 37) is an eccentric that is located on the conveying component (2) and can rotate around an axis that is parallel to the rotational axis of the conveying component (2), such that the eccentric, in at least one relative position of the conveying component's rotation, essentially closes the jaw-shaped receiver (between arms 23 and 23) by the retaining component (including 32) and in at least one of the other relative positions of rotation, essentially leaves the jaw-shaped receiver (between arms 23 and 23) open. See also column 5 on page 3 at line 70 to column 6 on page 3 at line 5 for an explanation of the movement of the actuating component.

Regarding claim 5, Figs 4 shows that the eccentric (including 10, 36 and 37) is a cam disk that is located on the conveying component (2)

Regarding claim 6, Figs. 1-5 show that the actuating component (including 10, 36 and 37) and the conveying component (2) can be driven to rotate in a predetermined speed ratio, one to another (e.g., a ratio of 1 to 1). See also column 5 on page 3 at line

70 to column 6 on page 3 at line 5 for an explanation of the movement of the actuating component.

Regarding claim 12, as best understood, Figs. 1-5 show that the shifting component (pair of reversely rotated rollers shown in Fig. 1 that feed sheets into the slot between arms 23 and 23) is located in the area of the free end of the swivel arm (including 32).

Regarding claim 14, Figs. 1-5 show that the conveying component (2) is essentially in the shape of a disk.

Regarding claim 15, Figs. 1-5 show that two or more jaw-shaped receivers (between arms 23 and 23) are equally arranged around a full 360 degrees of the conveying component disk (2), and that a retaining component (including 32) is assigned to each of the jaw-shaped receivers (between arms 23 and 23).

Regarding claim 16, Figs. 1-5 show that the at least one jaw-shaped receiver (between arms 23 and 23) is a slot or slit.

Regarding claim 17, Figs. 1-5 show that the length of the slot (between arms 23 and 23) incorporates sufficient clearance for the leading edge of the sheet-shaped element so that there is no danger that such leading edge will bump against the face of the slot.

Regarding claim 18, Fig. 3 shows that parallel to the conveying component (2) and rotatable with the conveying component (2), a stacking disk (F) of essentially the

same diameter as the conveying component (2), but, **without either** a jaw-shaped receiver **or a retaining component**, the stacking disk (F) serving as a supplemental support and bending component for a sheet-shaped element (P).

Regarding claim 19, Figs. 1-5 show that in the area of the depositing point, an arresting bar (s1) for the leading edge of a sheet-shaped element (P) that is inserted in the jaw-shaped receiver (between arms 23 and 23), the arresting bar (s1) being stationary, vis-a-vis the conveying component (2).

Regarding claim 20, as best understood, column 5 on page 3 at lines 62-70 disclose that two or more conveying components (2) can be provided that are separated carefully from one another.

7. Claims 1-2, 8-13, 16-17 and 19-21, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,065,997 (Butts et al.).

Regarding claim 1, Figs. 1-8 show an apparatus for conveying an essentially, sheet-shaped element (14), particularly, for conveying a sheet of printing medium in a printing machine, comprising:

at least one rotating conveying component (30) that conveys a sheet-shaped element (14) from a pickup point (near 22) to a stacking point (near 44) where it stacks the sheet-shaped element (14);

at least one jaw-shaped receiver (31) for the purpose of holding and carrying along the sheet-shaped element (14) for introducing and inserting the leading edge area

of a sheet-shaped element (14); the at least one jaw-shaped receiver (31) includes at least one fragmentarily present bending mandrel (Figs. 1 and 3) for bending a sheet-shaped element (14) around its rotational radius or radius of curvature while it is being conveyed; and

at least one retaining component (including 81) in the area of the jaw-shaped receiver (31).

Regarding claim 2, Figs. 1-8 show that the retaining component (including 81) is a swivel arm that rotates, along with the conveying component (30), and can be moved in a direction that is radial with respect to the conveying component's direction of rotation.

Regarding claim 8, Figs. 1-8 show at least one shifting component (including 47, 49 and 50) connected to the conveying component (30), for laterally shifting the sheet-shaped element (14) in the area of the point of deposit (near 44) to align it to be essentially parallel to the rotational axis of the conveying component (30).

Regarding claim 9, Figs. 1-8 show that the shifting component (including 47, 49 and 50) is connected to the conveying component (30) for forcing a movement as a function of the rotational position of the conveying component (30).

Regarding claim 10, Fig. 4 shows a curved track (including 56) that is stationary, relative to the conveying component (see column 6, lines 36-39), for forcefully shifting the shifting component (including 47, 49 and 50) laterally.

Regarding claim 11, Figs. 2-3 show that the shifting component (including 47, 49 and 50) is located next to the retaining component (including 81).

Regarding claim 12, as best understood, Fig. 7 shows a shifting component (76) located in the area of the free end of a swivel arm (including 81).

Regarding claim 13, as best understood, the contact area of the shifting component (76), vis-a-vis the sheet-shaped element (14), has a relatively higher frictional resistance than the contact area on the jaw-shaped receiver (31) against which the shifting component (76) presses.

Regarding claim 16, Figs. 1-8 show that the at least one jaw-shaped receiver (31) is a slot or slit.

Regarding claim 17, as best understood, Figs. 1-8 show that the length of the slot (31) incorporates sufficient clearance for the leading edge of the sheet-shaped element (14) so that there is no danger that such leading edge will bump against the face of the slot (31).

Regarding claim 19, Figs. 1-2 show that in the area of the depositing point (near 44), an arresting bar (42) for the leading edge of a sheet-shaped element (14) that is inserted in the jaw-shaped receiver (31), the arresting bar (42) being stationary, vis-a-vis the conveying component (30).

Regarding claim 20, as best understood, Figs. 1-8 show that two or more conveying components are provided that are separated carefully from one another.



Regarding claim 21, as best understood, Figs. 1-8 show that the two conveying components are located in mirror image, relative to a reflective plane that is perpendicular to the rotational axis (34).

### **Conclusion**

8. The fact that not all of the claims have been rejected in view of prior art is not an indication that such claims contain allowable subject matter. For example, claim 7 lacks sufficient structure needed to understand this claim.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/27/2006

  
**KATHY MATECKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**